

SENATE BILL 2863
By Herron

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 9, relative to motor vehicle equipment.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 9, is amended by adding the following as a new Part 7:

Section 55-9-701.

(a) A manufacturer of a new motor vehicle sold or leased in this state, which is equipped with one (1) or more recording devices commonly referred to as "event data recorders (EDR)" or "sensing and diagnostic modules (SDM)", shall disclose the presence of such recording devices in the owner's manual for the vehicle.

(b) As used in this section, "recording device" means equipment installed by the manufacturer of the motor vehicle for the purpose of retrieving data after an accident that:

- (1) Records how fast and in which direction the motor vehicle is traveling;
- (2) Records a history of where the motor vehicle travels;
- (3) Records steering performance;
- (4) Records brake performance, including but not limited to, whether brakes were applied before an accident;
- (5) Records the driver's safety belt status; or
- (6) Has the ability to transmit information concerning an accident in which the motor vehicle has been involved to a central communications system when an accident occurs.

(c) Data described in subdivision (b) that is recorded on a recording device shall not be downloaded or otherwise retrieved by a person other than the registered owner of the motor vehicle, except as follows:

(1) The registered owner of the motor vehicle consents to the retrieval of the information;

(2) In response to an order of a court having jurisdiction to issue the order;

(3) The registered owner of the motor vehicle has filed a products liability claim in regard to the motor vehicle;

(4) For the purpose of improving motor vehicle safety, including for medical research of the human body's reaction to motor vehicle accidents, and the identity of the registered owner or driver is not disclosed in connection with that retrieved data. The disclosure of the vehicle identification number (VIN) for the purpose of improving vehicle safety, including for medical research of the human body's reaction to motor vehicle accidents, does not constitute the disclosure of the identity of the registered owner or driver; or

(5) The data is retrieved by a licensed new motor vehicle dealer, or by an automotive repair facility, for the purpose of diagnosing, servicing, or repairing the motor vehicle.

(d) A person authorized to download or otherwise retrieve data from a recording device pursuant to subdivision (c)(4), may not release such data, except to share such data among the motor vehicle safety and medical research communities, to advance motor vehicle safety, and only if the identity of the registered owner or driver is not disclosed.

(e)

(1) If a motor vehicle is equipped with a recording device that is capable of recording or transmitting information as described in subsection (b) and that capability is part of a subscription service, the fact that the information may be recorded or transmitted shall be disclosed in the subscription service agreement.

(2) Subsection (c) does not apply to subscription services meeting the requirements of subdivision (1) of this subsection.

Section 55-9-702.

(a) No information obtained in violation of this act shall be admissible in a civil action.

(b) Upon request of any party, the trial judge shall hold a hearing out of the presence of the jury as to the admissibility of such evidence in accordance with the provisions of this section and the Tennessee Rules of Evidence.

Section 55-9-703. The provisions of this act shall apply to all motor vehicles manufactured on or after July 1, 2004.

Section 55-9-704. A violation of this act shall be punishable as a Class C misdemeanor.

SECTION 2. This act shall take effect July 1, 2004, the public welfare requiring it.